

STATE WATER POLLUTION CONTROL BOARD

CHAPTER 42 ⁷⁶

H. B. No. 24

An Act to establish a State Water Pollution Control Board, and to provide for the control, prevention and abatement of pollution of the surface and underground waters of the State; repealing Articles 4444, 7621a, and 7577, Revised Civil Statutes of Texas, and Article 698b, Penal Code of Texas, effective November 1, 1962; providing a saving clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Statement of Policy

Section 1. It is declared to be the policy of the State of Texas to maintain purity of the waters of the State consistent with the public health and public enjoyment thereof, the propagation and protection of fish and wildlife, including birds, mammals and other terrestrial and aquatic life, the operation of existing industries, and the industrial development of the State, and to that end to require the use of all reasonable methods to prevent and control the pollution of the waters of this State.

Definitions

Sec. 2. When used in this Act, the following words and phrases shall have the meanings ascribed to them in this Section, unless the context clearly shows a different meaning:

(a) "Person" means any individual, public or private corporation, political subdivision, governmental agency, municipality, copartnership, association, firm, trust, estate or any other entity whatsoever.

(b) "Waters" shall be construed to be underground waters and lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico within the territorial limits of the State of Texas, and all other public bodies of surface water, natural or artificial, inland or coastal, fresh or salt, that are wholly or partially within or bordering the State or within its jurisdiction.

(c) "Waste" means sewage, industrial waste, and other wastes, or any of them, as hereinbelow defined.

(d) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, cities, towns, or other places, together with such ground water infiltration and surface waters with which it may be commingled. The admixture with sewage, as above defined, of industrial wastes or other wastes, as hereinafter defined, shall also be considered "sewage" within the meaning of this Act.

(e) "Industrial waste" means any water-borne liquid, gaseous, solid, or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business.

(f) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, salt water, and all other substances not sewage or industrial waste that may cause or tend to cause pollution of the waters of the State.

(g) "Pollution" means any discharge or deposit of waste into or adjacent to the waters of the State, or any act or omission in connection therewith, that by itself, or in conjunction with any other act or omission

76. Vernon's Ann.Civ.St. art. 7621d.

or acts or omissions, causes or continues to cause or will cause such waters to be unclean, noxious, odorous, impure, contaminated, altered or otherwise affected to such an extent that they are rendered harmful, detrimental or injurious to public health, safety or welfare, or to terrestrial or aquatic life, or the growth and propagation thereof, or to the use of such waters for domestic, commercial, industrial, agricultural, recreational or other lawful reasonable use.

(h) "Board" means the State Water Pollution Control Board created by this Act.

(i) "Sewer system" or "sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage, industrial waste or other wastes to a point of ultimate disposal.

(j) "Treatment works" means any plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills, or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes.

(k) "Disposal system" means a system for disposing of sewage, industrial waste or other wastes, and including sewer systems and treatment works.

**Creation and Organization of the Water Pollution Control
Authority; Meetings; Employees**

Sec. 3. (a) There is hereby created and established a State Water Pollution Control Board which shall be composed of six (6) members. The Board is directed to carry out the functions and duties conferred on it by this Act. The Governor shall appoint by and with the advice and consent of the Senate of Texas, three (3) members to the State Water Pollution Control Board. One (1) shall be appointed for a two-year term, one (1) for a four-year term, and one (1) for a six-year term. Thereafter, all appointments by the Governor to fill a vacancy at the end of a term shall be for a full six-year term. The appointments by the Governor shall be made as follows: One (1) member shall represent the agriculture and soil conservation interests; one (1) member, the manufacturing industry; and one (1) member, the oil and gas producers.

(b) Vacancies occurring in any such office on the Board filled by appointment by the Governor during any term shall, with the advice and consent of the Senate, be filled by appointment by the Governor, which appointment shall extend only to the end of the unexpired term.

(c) The six (6) members of the Board shall receive no fixed salary for duties performed as members of the Board, but each member, excepting those representing the specified State agencies, shall be allowed, for each and every day in attending meetings of the Board, the sum of Twenty Dollars (\$20) including time spent in travel to and from such meetings, and all members shall be allowed traveling and other necessary expenses while in the performance of official duty, to be evidenced by vouchers approved by the Chairman of the Board, provided no member shall receive more than Two Thousand Dollars (\$2,000) annually, including expenses. The members of the Board appointed by the Governor and confirmed by the Senate shall qualify by taking the Constitutional oath of office before an officer authorized to administer an oath within this State, and, upon presentation of such oath, together with the certificate of appointment, the Secretary of State shall issue commissions to them, which shall be evidence of their authority to act as such. In addition to the three (3) members appointed by the Governor as provided herein, the Board shall

also consist of the following State officers, each of whom shall be a member of said Board during the time that he is serving in such other official capacity, to wit: the Chairman of the State Board of Water Engineers, the State Commissioner of Health, and the Executive Secretary of the State Game and Fish Commission, each of whom shall perform the duties required of a member of the Board by this Act in addition to those duties required of him in said other official capacities.

(d) Each ex-officio member of the Board listed in paragraph (c) above, is authorized to delegate to a personal representative from his office the authority and duty to represent him on the Board, but by such delegation a member shall not be relieved of responsibility for the acts and decisions of his representative.

(e) Actual and necessary travel and other expenses incurred by the three (3) ex-officio members in the discharge of their official duties as members of the Board shall be paid out of any funds which are or may become available for the purposes of this Act. Employees of the Board shall receive their necessary traveling expenses while traveling on the business of the Board.

(f) The Board shall elect a chairman and a vice-chairman from its members whose terms of office shall be for two (2) years commencing on February 1st of each odd-numbered year hereafter. At the first meeting of the Board, the chairman and vice-chairman shall be elected to serve until February 1, 1963. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board and perform the other duties hereinafter prescribed. The Board shall meet at regular intervals as may be decided upon by majority vote of the Board. Special meetings may be called by the chairman upon his own motion and must be called by him upon receipt of a written request therefor signed by two (2) or more members of the Board. A majority of said Board shall constitute a quorum to transact business. The Board shall have the power to make all necessary rules for its procedure and shall have a seal, the form of which it shall prescribe.

(g) The Director of the Water Pollution Control Division of the Texas State Department of Health shall serve as Executive Secretary of the Board. He shall keep full and accurate minutes of all transactions and proceedings of said Board and perform such duties as may be required by the Board, and he shall be the custodian of all files and records of the Board. The executive secretary shall be the administrator of water pollution control activities for the Board.

(h) Technical, scientific, legal or other services shall be performed by personnel of other State agencies when requested by the Board, but the Board may employ and compensate with funds available therefor professional consultants, assistants and employees that may be necessary to carry out the provisions hereof and prescribe their powers and duties. The Board may request and shall receive the assistance of any State educational institution, experimental station, or other State agency.

(i) To carry out the provisions of this Act, any agency of this State with responsibilities under the laws of this State for water pollution control, and for which appropriations are made in the biennial appropriation act, is hereby authorized to transfer to the Board out of such appropriations such annual amounts as may be mutually agreed upon by such an agency and by the Board, subject only to the concurrence of the Governor. In the event such transfers are insufficient to finance adequately the necessary activities of the Board, then the Governor is hereby authorized to transfer to the Board from the appropriations made to the Governor's Office for deficiency grants such amounts as he may determine. It is further provided that said Board is authorized to request, solicit, contract

for, receive or accept money from any Federal or State agency, political subdivision or other legal entity to carry out the duties required of it by this Act. Such moneys as may be transferred under the provisions of this Subsection, and such gifts and grants as may be received by said Board, shall be deposited in the State Treasury in a special fund. Such moneys are hereby appropriated to said Board for any of the purposes set forth in this Act, including salaries, wages, travel expenses, equipment, and other necessary expenses.

(j) The Board shall make biennial reports in writing to the Governor and the Legislature, in which shall be included statements of its activities. All data collected by the Board shall be the property of the State of Texas.

(k) Upon the application of any person and upon payment of the fees prescribed therefor in the rules and regulations of the Board, the Board shall furnish certified copies of any of its proceedings or other official acts of record, or of any paper, map or document filed in the office of the Board. Such certified copies under the hand of the chairman or the executive secretary and the seal of the Board shall be admissible in evidence in any court or administrative proceeding, in the same manner and with like effect as the original would be.

Authority, Powers and Duties of the Board

Sec. 4. (a) The Board shall administer this Act and shall have authority to abate and prevent pollution of the waters of the State as provided for herein.

(b) The Board, after notice to the parties affected, and after a public hearing if the Board deems a hearing to be in the public interest, may issue permits for the discharge of waste into or adjacent to the waters of this State. Each such permit shall set forth the conditions upon which it is issued by the Board, including, but without limiting such conditions to, the duration of such permit, the maximum quantity of waste which may be discharged thereunder at any time and from time to time, and the quality, purity and character of waste which may be discharged thereunder. The Board shall issue a permit or a notice denying a permit to each applicant within ninety (90) days after receipt of a permit application containing such information as may be reasonably required by the Board. The permittee may be required, for good cause, from time to time, after public hearing initiated by the Board, to conform to new or additional conditions and terms imposed by the Board following such hearing. The Board shall allow the permittee a reasonable time (not to exceed twelve (12) months) to conform to such new or additional conditions; provided, however, that upon application of the permittee, the Board, in its discretion, may grant the permittee an additional period of time (not to exceed twelve (12) months) within which to conform to such new or additional conditions.

Such permit or amended permit shall never become a vested right in the permittee, and it may be revoked for good cause shown, after public hearing initiated by the Board, in the event of the permittee's failure to comply with the condition or conditions of such permit as issued or as amended. Such hearing shall be held not less than thirty (30) days after notice to the permittee of the time, place, and purpose thereof.

(c) The Board shall adopt, prescribe, promulgate and enforce rules and regulations reasonably required to effectuate the provisions of this Act.

(d) The Board is hereby authorized to:

(1) hold hearings, receive pertinent and relevant proof from any party in interest who appears before the Board, compel the attendance of witnesses, make findings of fact and determinations, all with respect

to violations of the provisions of this Act or of any orders, rules or regulations of the Board;

(2) delegate to one (1) or more of its members or to one (1) or more of its employees the authority to take testimony in any hearing called by the Board with power to administer oaths, but all orders entered shall be made by and in the name of the Board after its official action and attested to by the Executive Secretary;

(3) make, alter, or modify any orders, rules and regulations, and if any such order requires the discontinuance of the discharge of waste into any waters of the State, the order shall specify the conditions and time within which such discontinuance must be accomplished after public hearing as hereinafter provided;

(4) institute, or cause to be instituted, in courts of competent jurisdiction, legal proceedings to compel compliance with the provisions of this Act and the rules, regulations, decisions, determinations and orders of the Board;

(5) conduct such investigations as it may deem advisable and necessary for the discharge of its duties under this Act;

(6) perform such other and further functions as may be necessary to carry out effectively the duties and responsibilities of the Board prescribed in this Act.

(e) It shall be the duty of the Board to:

(1) encourage voluntary cooperation by the people, municipalities, industries, associations, agriculture and representatives of other pursuits, in restoring and preserving the greatest possible utility of the waters of the State;

(2) encourage the formation and organization of cooperative groups or associations or municipalities, industrial and other users of the waters who severally or jointly are or may be the source of pollution in the same waters, the purpose of which shall be to provide a medium to discuss and formulate plans for the prevention and abatement of pollution;

(3) establish policies and procedures for the purpose of securing close cooperation in the work of the agencies of the State with respect to pollution control functions carried on by such agencies;

(4) cooperate with governments of the United States and other states, and any other agencies or groups of agencies and organizations, official or unofficial, with respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements;

(5) conduct or cause to be conducted studies and research with respect to pollution abatement or control problems, disposal systems, and treatment of sewage, industrial waste and other wastes;

(6) prepare and develop a general comprehensive plan for the abatement and prevention of pollution.

(f) The Board and its duly authorized agent and employees shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to pollution, or the possible pollution of any waters of the State. Inspectors shall not enter private property having management in residence without notifying that management of their presence. Inspectors shall observe rules and regulations of the establishment being inspected concerning safety and fire protection.

(g) The Board, and any employee or agent thereof, when authorized by it, may examine any records or memoranda pertaining to the operation of a disposal system or treatment works.

(h) In issuing, amending, modifying, or revoking any permit to discharge waste into or adjacent to the waters of this State, or in imposing any new or additional conditions upon any permittee hereunder, the Board

shall not impose upon the applicant for a permit or the permittee any condition which would require a higher standard of operation than that which is consistent with the best practice in the particular field affected under the conditions applicable to such applicant or permittee. This shall not be construed to prohibit the Board from taking any means provided by this Act to prevent the discharge of waste which is injurious to public health.

Existing Discharges of Waste

Sec. 5. Within twelve (12) months after the date upon which this law becomes effective, every person who upon such effective date is discharging or permitting to be discharged any waste into or adjacent to the waters of this State shall apply to the Board for a permit to continue such discharge if it is his desire to so continue. Each application therefor shall furnish such information as may be reasonably required by the Board. Upon receipt of such application, the Executive Secretary of the Board is hereby authorized to, and he shall immediately, issue to such applicant a permit to continue the existing discharge covered by such application until further order of the Board. Thereafter, the permittee may be required for good cause, from time to time, after public hearing initiated by the Board, to conform to new or additional conditions and terms imposed by the Board. The Board shall allow the permittee a reasonable time (not to exceed twelve (12) months) to conform to such new or additional conditions; provided, however, that upon application of the permittee, the Board, in its discretion, may grant the permittee an additional period of time (not to exceed twelve (12) months) within which to conform to such new or additional conditions.

Such permit or amended permit shall never become a vested right in the permittee, and it may be revoked for good cause shown, after public hearing initiated by the Board, in the event of the permittee's failure to comply with the condition or conditions of such permit as issued or as amended. Such hearing shall be held not less than thirty (30) days after notice to the permittee of the time, place, and purpose thereof.

Notices and Service of Process

Sec. 6. (a) Notice of any hearing shall describe briefly and in summary form the purpose of the hearing, and the time, place and date of such hearing. Where any hearing is held pursuant to application by any person, that person shall pay the cost of publishing the notices thereafter provided. In all other instances, publication costs shall be borne by the Board. Copies of each notice of a public hearing shall:

(1) be published at least twice in a newspaper regularly published or circulated in the county or counties containing such persons as the Board has reason to believe may be affected by action of the Board taken by it as a result of the hearing, the first date of publication to be not more than thirty (30) days nor less than twenty (20) days before the date fixed for such hearing; and

(2) be mailed at least twenty (20) days before the date fixed for such hearing to such persons as the Board has reason to believe may be affected by action of the Board taken by it as a result of the hearing.

(b) Service of all other processes of the Board, including notices, determinations and orders shall be served personally or by certified mail upon any natural person to whom it is addressed; upon a municipality by serving the mayor or any member of the council or the city secretary of the municipality; or upon a sewer district, water district, river or water authority, commission, private corporation or company, as the case

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may be, by serving an officer or local manager thereof; and upon a county by serving the county judge thereof.

Court Review of Board Decision

Sec. 7. Any person affected by any ruling, order, decision, or other act of the Board, may, within thirty (30) days after the date on which such act is performed, or in case of a ruling, order, or decision, within thirty (30) days after the effective date thereof, file a petition in an action to review, set aside, or suspend such ruling, order, decision, or other act upon the ground or grounds that the same is invalid, arbitrary, or unreasonable. The venue in any or all such actions is hereby fixed exclusively in the District Court of Travis County, Texas. In a suit brought to review, suspend or set aside rules and regulations, orders, decisions, or other acts of the Board, the trial shall be de novo, as that term is used and understood in an appeal from a Justice of the Peace Court to the County Court, and no presumption of validity, reasonableness or presumption of any character shall be indulged in favor of the order, decision or other act that is involved, but evidence as to the validity or reasonableness thereof shall be heard and the determination in respect thereto shall be made upon facts found by the Court, as in other civil cases, and the procedure for such trials and the determination of the issues and the character of the judgment to be entered therein shall be governed solely by the rules of law, evidence and procedure prescribed for the District Courts of this State by its Constitution, Statutes and Rules of Procedure applicable to the trial of civil action. It is the intent of the Legislature that such trial shall be strictly de novo and that the decision in each case shall be made independently of any finding, express or implied, by the Board, and upon a preponderance of the evidence adduced at such trial and entirely free of the so-called "substantial evidence" rule enunciated in some cases by some appellate courts in this State in respect to orders of other administrative or quasi-judicial agencies. Appeals from decisions of the District Court shall be as in other civil cases.

Filing of Disposal System Plans

Sec. 8. For the purpose of aiding the Board in effectuating the provisions of this Act and to make available to the Board and the public, information on methods of efficient disposal of sewage, industrial wastes and other wastes, into or adjacent to the waters of the State, every person constructing or proposing to construct or materially alter the efficiency of any sewer system or sewerage system, treatment works or disposal system, shall file with the Board, at least thirty (30) days prior to beginning of construction, the plans and specifications for the construction or material alteration of the same.

General Prohibition Against Pollution

Sec. 9. It shall hereafter be unlawful for any person to throw, drain, run or otherwise discharge into the waters of this State, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise enter such waters, any waste, unless pursuant to and in accordance with a then-existing permit, that shall cause a condition of pollution as defined in Subsection (g) of Section 2 of this Act.

Enforcement

Sec. 10. (a) Any person who knowingly violates any provision of Section 9 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than One Hundred Dollars

(\$100) nor more than One Thousand Dollars (\$1,000) and each day such a violation is committed shall constitute a separate offense. Venue shall be in the county where the waters are first polluted by the person charged with the offense.

(b) Whenever it appears that any person is violating or threatening to violate any provision of Section 9 of this Act, the Board may bring suit against such person in the District Court of the county in which the violation or threat of violation first occurs, to restrain such person from continuing such violation or from carrying out the threat of violation. In any such suit, the court shall have jurisdiction to grant to the Board, without bond or other undertaking, such prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary injunctions, temporary, preliminary or final orders. It shall be the duty of the Attorney General to represent the Board when requested to do so. The action shall have precedence over all other causes on the docket of a different nature, and either the Board or the defendant or defendants may appeal as in civil cases. The appeal shall be at once returnable to the appellate court and shall have precedence in said appellate court over all causes of a different nature therein pending.

(c) The State Board of Water Engineers, the Texas Game and Fish Commission, the Texas State Department of Health, and the Railroad Commission of Texas are charged with the following specific duties in addition to any other duties imposed on such agencies elsewhere in this Act:

(1) it shall be the duty of the State Board of Water Engineers to investigate and ascertain those situations in which the underground waters of the State are being polluted or are threatened with pollution, and it shall report all findings to the Board together with its recommendations in regard thereto.

(2) it shall be the duty of the Texas Game and Fish Commission and the employees thereof duly authorized by such Commission to enforce the provisions of this Act insofar as any violation hereof occurs which affects aquatic life, birds and animals.

(3) the Texas State Department of Health shall continue to perform the research, training, planning and other functions presently being conducted by it in matters concerning pollution in cooperation with, or as a State agency contributing its services to, the Board.

(4) Notwithstanding any provision of this Act, the Railroad Commission of Texas shall and the Board of Water Engineers shall continue to exercise the authority granted to them in Chapter 82, Acts of the Fifty-seventh Legislature, Regular Session, 1961, codified as Article 7621(b), Vernon's Annotated Civil Statutes; and the Railroad Commission of Texas shall continue to exercise the authority granted it in Chapter 406, Acts of the Fifty-fourth Legislature, Regular Session, 1955, codified as Article 6029(a).

Exceptions

Sec. 11. Any pollution which is caused by an act of God, war, strike, riot or other catastrophe, shall not be held to be a violation of this Act.

Private Rights to Abate Pollution Unaffected

Sec. 12. This Act shall not in any way affect the right of any person to pursue all legal and equitable remedies available to abate pollution and other nuisances or recover damages therefor, or both.

Protection of Confidential Information

Sec. 13. Nothing herein contained shall require any person to disclose any classified data of the Federal Government or any confidential information relating to secret processes or economics of operation.

Repeal of Certain Existing Laws

Sec. 14. Articles 4444, 7621a, and 7577 of the Revised Civil Statutes of Texas and Article 698b of the Penal Code of the State of Texas are hereby repealed,⁷⁷ effective November 1, 1962. With the exception of Articles 4444, 7577 and 7621a of the Civil Statutes and Article 698b of the Penal Code, all other laws and parts of laws relating to the abatement of pollution are continued in full force and effect, and this Act is intended to supplement and not repeal such other existing laws.

This Act shall not in any way affect the power or authority of river authorities and water districts of this State with respect to the subject matter of this Act, including the authority granted to such river authorities and water districts by Title 128 of the Civil Statutes of the State of Texas, codified as Articles 7466 through 8280—244, Vernon's Texas Civil Statutes, as presently existing or hereafter amended. No permit issued by the Board shall be admissible in evidence against nor raise any presumption against the exercise of such power or authority of water districts. Nothing in this Act shall be construed in any way so as to affect the private ownership of underground water.

Sec. 15. The privileges and the rights accruing in any person or permittee by or as a result of this Act, including the privileges and rights of any person or permittee resulting from any act of the Board created by this Act, are conditional, in that they are allowed, granted, received, accepted, and enjoyed not only under the provisions and subject to the conditions of this Act but upon the further condition that such privileges and rights are, whether under the police power as affecting persons or otherwise, subject to the provisions of any law the Legislature may pass abolishing such privileges or rights, or requiring or effecting their amendment, revocation, forfeiture, or cancellation, or providing for their further regulation, or any of these, including the further empowering of agencies to effect those purposes.

Effective Date

Sec. 16. Except as otherwise specifically provided herein, the provisions of this Act shall become effective as of November 1, 1961, and it is so enacted.

Severance Clause

Sec. 17. If any Article, Section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of this Act irrespective of the fact that any one or more portions be declared unconstitutional.

Emergency Clause

Sec. 18. The fact that pollution of the surface and underground waters of this State constitutes a serious health and sanitation problem which should be corrected without delay and the further fact that there

⁷⁷ Vernon's Ann.Civ.St. arts. 4444, 7577,
7621a; Vernon's Ann.P.C. art. 698b.

is an urgent need that some State agency be given the authority to give a prospective new industry a definite answer in regard to what it can do in disposing of its effluent create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Passed the House, July 25, 1961: Yeas 111, Nays 13; House refused to concur in Senate amendments, August 3, 1961, and requested appointment of a Conference Committee to consider differences between the two Houses; House adopted Conference Committee Report, August 8, 1961, by a non-record vote; passed the Senate, with amendments, August 3, 1961: Yeas 22, Nays 7; at request of House, Senate appointed a Conference Committee to consider differences between the two Houses; Senate adopted Conference Committee Report, August 8, 1961, by a viva-voce vote.

Approved Aug. 26, 1961.

Effective 90 days after Aug. 8, 1961, date of adjournment, but § 14 effective Nov. 1, 1962.

HOPKINS COUNTY HOSPITAL DISTRICT

CHAPTER 43 ⁷⁸

H. B. No. 33

An Act providing for the creation of a county-wide hospital district in Hopkins County; providing for an election in the county to create a county-wide hospital district; providing for the levy of a tax for the district for the purpose of maintaining and operating the district, paying indebtedness assumed by such district and bonds issued by the district; providing for the issuance of bonds by the district for the purpose of the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same for hospital purposes and for any and all such purposes and for refunding bonds and prescribing limitations on such power; providing bonds issued or assumed by the district shall be lawful investments and collateral for certain funds; providing for the transfer of title to any land, building, or equipment to such district by the county if the county owns or operates a hospital or hospital system, or by the county and city if they jointly operate a hospital or hospital system, or by a city within such district that operates a hospital or hospital system; providing for the assumption of any bonds outstanding that may have been issued by the county or city within such district for hospital purposes; providing for the selection of a governing body of such hospital district, their tenure of office and powers and duties in carrying out the provisions of the Act; prescribing a procedure for the adoption of a budget, the selection of a depository and the power of eminent domain which power is conferred upon the district; prescribing a fiscal year; withdrawing authority for the sale of bonds for hospital purposes by a city or county located within the district established; prohibiting the levy of taxes by a city for hospital purposes and restricting the powers of county in question where a district is established to levy taxes for the care of indigents under certain circumstances; providing a severance clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Upon the adoption of Article IX, Section 9, as a part of the Constitution of the State of Texas, as proposed by Senate Joint Resolution No. 22 of the Fifty-seventh Legislature, Regular Session, 1961, this Act shall be operative so as to authorize the creation, establishment, maintenance

78. Vernon's Ann.Civ.St. art. 4494q—7.